IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE PIUS C.KURIAKOSE

WEDNESDAY, THE 27TH JUNE 2007 / 6TH ASHADHA 1929

WP(C).No. 15980 of 2006(B)

AGAINST THE ORDER DATED 7/6/06 IN IA.121/2005 IN AA.52/2005 of APPELLATE AUTHORITY(LR), KANNUR OA.400/75 OF LAND TRIBUNAL NO.II, IRIKKUR.

.....

PETITIONER:

KUZHIPPILLIL JOHN, S/O. VARKEY,
AGED 80 YEARS, AGRICULTURIST, PAYYAVOOR AMSOM,
DESOM, PAISAKKARI P.O., THALIPARAMBA TALUK.

BY ADV. SRI.K.V.JAYACHANDRAN
SRI.RAJU V.MATHEW
SRI.V.L.PATHROSE

RESPONDENTS:

---

1. SREE PAZHASSI BHAGAVATHI KSHETHRA
SAMRAKSHNA SAMITHI PRESIDENT, SAJEEVAN THALACHIRA
S/O. THANKAPPAN, AGED 39 YEARS.

2. SECRETARY,
SAJEEV RAJAN EDAPPATTU, S/O. RAJAPPAN,
AGED 32 YEARS, BOTH RESIDING AT PAYYAVOOR AMSOM,
DESOM, PAISAKKARI P.O., THALIPARAMBA TALUK,
KANNUR DISTRICT.

3. THE STATE OF KERALA,
REPRESENTED BY THE REVENUE SECRETARY,
THIRUVANANTHAPURAM.

R1 & R2 BY ADV. SRI.C.MURALIKRISHNAN (PAYYANUR)
R3 BY GOVT.PLEADER SRI.THOMAS JOHN AMBOOKEN.

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON 27/06/2007 , THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

WPC.15980/06

APPENDIX

PETITIONER'S EXTS:

EXT.P1 – TRUE COPY OF ORDER IN I.A.121/05 IN AA.52/05 OF APPELLATE AUTHORITY (LR), KANNUR.

/TRUE COPY/

PIUS C. KURIAKOSE, J.

.....

W.P.(C)No.15980 OF 2006

.....

DATED THIS THE 27TH JUNE, 2007

J U D G M E N T

W.P.(C)No.15979 of 2006 disposed of by me today (27.6.2007) is an identical matter.

2. It is seen from Ext.P1, the impugned order that the party-respondents were not parties to the proceedings before the Land Tribunal. The Appellate Authority had reason to hold that the party-respondents were entitled for a say in the matter. It was on that basis that the delay caused in the matter of filing the appeal was condoned and the appeal itself was later allowed passing remand order. On reading through Ext.P1, it is clear that the discretion of the Appellate Authority in the matter of condoning delay under Section 5 of the Limitation Act has been properly exercised by the Appellate Authority. It cannot be said that the impugned order is wholly unreasonable or violates law, whether statutory or settled. There is no warrant for setting aside Ext.P1 under the supervisory jurisdiction of this Court. The challenge against Ext.P1 will fail. The Writ Petition is dismissed.

(PIUS C.KURIAKOSE, JUDGE)

tgl

(PIUS C.KURIAKOSE, JUDGE)

tgl